

60,130-1625
02MRA0367

REMARKS

The Examiner reviewed claims 1-19 and 21-23 in his Non-Final Office Action mailed on November 3, 2004. Claims 1-6, 9-13, 15-19, 21 and 23 were rejected. The Examiner indicated claims 7, 8, 14 and 22 to be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. Applicant believes all currently pending claims to be in condition for allowance.

Claim Rejections - 35 U.S.C. §112

The Examiner rejected claim 4 pursuant to 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner noted that previously allowable claim 4 failed to include all intervening claims. Applicant has amended claim 4 to include these intervening limitations and believes claim 4 to be in condition for allowance, as acknowledged by the Examiner in his Office Action of July 14, 2004.

Claim Rejections - 35 U.S.C. §102

The Examiner rejected claims 1-3, 5, 9-12 and 16-20 under 35 U.S.C. §102(b) as being anticipated by *Heibel*. The Examiner also appears to have rejected claims 13, 15, 21 and 23 on this basis. Applicant disagrees with these rejections. Claim 1 requires, "said first threaded member configured to stop rotation when said friction level meets a predetermined threshold." The Examiner contends this feature is taught by *Heibel*. However, *Heibel* does not teach the stopping of rotation of the first threaded member based on a predetermined friction threshold. Instead, as explained in *Heibel*, the transition between fast thread 5 and fast thread 7 is accomplished by the following:

60,130-1625
02MRA0367

Continued rotation of shaft 1 causes tooth 25 of disc 11 to lift from pin 23 and spring 13 to wind up allowing annular member 33 to rotate relative to actuator member 3 and press clutch faces 51 and 53 together via thrust bearing 47, locking annular member 21 in position relative to outer annular member 19.

[*Heibel*, column 4, ll. 30-36]. Accordingly, claim 1 and its dependents, claims 2-3, 5-9, and 21-22 stand in condition for allowance.

Independent claim 10 requires in pertinent part, “wherein said second drive mechanism is configured to drive said brake actuator as a consequence of said brake engaging said brake actuator.” As explained above, the mechanism for engaging a second drive mechanism in *Heibel* is different from what is claimed by claim 10. There is no engagement of the second drive mechanism because of the brake engaging the brake actuator. Rather, the lifting of tooth 25 of disc 11 from pin 23 and spring 13 causes annular member 21 to be locked in position relative to outer annular member 19. [*Heibel*, column 4, ll. 30-36]. For this reason, claim 10 and its dependents, claims 11-12, 16-17 and 23 to be in condition for allowance.

Applicant has amended claim 13 to include the limitations of claim 14, which the Examiner indicated to be allowable if rewritten to include the limitations of claim 13. Therefore, claim 13 is in condition for allowance. Also, its dependent, claim 15, is also in condition for allowance. Claim 14 has been cancelled.

Independent claim 18 requires step b) “moving the brake actuator at a second linear speed and a second force” and step c), which requires step b) “occurs after the predetermined frictional threshold is reached, created by a reaction force from the brake pad on the brake actuator.” As explained above, *Heibel* does not disclose this feature. Therefore, claim 18 and its dependent, claim 19, stands in condition for allowance.

60,130-1625
02MRA0367

For the foregoing reasons, Applicant requests claims 1-3, 5-19 and 21-23 to be
allowed.

Respectfully submitted,

CARLSON, GASKEY & OLDS

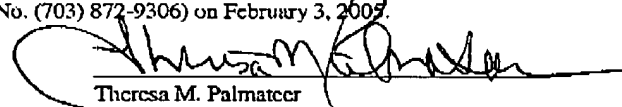
By: 

Anthony P. Cho
Registration No. 47,209
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: February 3, 2005

CERTIFICATE OF FACSIMILE

I hereby certify that this Amendment, Application Serial No. 10/614,582 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9306) on February 3, 2005.


Theresa M. Palmateer

N:\Clients\MERITOR\IP01625\PATENT\Amendment 2-3-05.doc